

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)



(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PC04023-LG	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/KR2004/002838	International filing date(day/month/year) 04 NOVEMBER 2004 (04.11.2004)	Priority date (day/month/year) 05 NOVEMBER 2003 (05.11.2003)
International Patent Classification (IPC) or national classification and IPC IPC7 A01N 25/04		
Applicant LG LIFE SCIENCES LTD. et al		

- This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 4 sheets, including this cover sheet.
- This report is also accompanied by ANNEXES, comprising:
 - ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____ containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box relating to Sequence Listing (see Section 802 of the Administrative Instructions).

- This report contains indications relating to the following items:

- ☒ Box No. I Basis of the report
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

Date of submission of the demand 18 MAY 2005 (18.05.2005)	Date of completion of this report 19 OCTOBER 2005 (19.10.2005)
Name and mailing address of the IPEA/KR  Korean Intellectual Property Office 920 Dunsan-dong, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer JUNG, Jin Wook Telephone No. 82-42-481-8293 

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/KR2004/002838

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☒ the international application as originally filed/furnished
- ☐ the description:
- pages _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ the claims:
- pages _____ as originally filed/furnished
- pages* _____ as amended (together with any statement) under Article 19
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ the drawings:
- pages _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ the sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/KR2004/002838

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1 - 25	YES
	Claims	None	NO
Inventive step (IS)	Claims	1 - 25	YES
	Claims	None	NO
Industrial applicability (IA)	Claims	1 - 25	YES
	Claims	None	NO

2. Citations and explanations (Rule 70.7)

1. Reference is made to the following documents cited in the International Search Report:

D1: US 5,597,840 A

D2: US 6,274,570 B1

D3: US 6,071,857 A

D4: US 5,827,522 A

2. Novelty and Inventive Step

The present application claims a stable microemulsion composition comprising metalaxyl-M as an active ingredient, characterized in that the phase of the microemulsion is not destroyed by high concentration of Metalaxyl-M and the stability remains in a wide range of concentration even in the presence of water. The problem underlying the present application can be regarded as the provision of the metalaxyl-M microemulsion composition having less toxicity and longer stability, compared with the emulsion concentration composition using mixture of water-soluble and water-insoluble solvent or organic solvent only. The essential feature of the solution proposed by the present claims is the use of water and water-soluble solvent to dissolve the metalaxyl-M along with selected emulsifier(s).

See Supplemental Box for the next parts.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of:

V.

D1 discloses the agrochemical microemulsion composition comprising an active ingredient such as Metalaxyl-M, a water-miscible solvent and an emulsifying agent. D1 does not teach the effect of emulsifying agents or aqueous solvent specified in the claims 1-25 in the presence of the active ingredient Metalaxyl-M for preparing the microemulsion composition. D2 and D3 describe the emulsion concentrated composition using a mixture of water-soluble and water-insoluble solvent to dissolve the active compound. It differs from the subject matter of claims 1-25 in that the water-insoluble solvent is applied to dissolve Metalaxyl-M. D4 relates to the preparation of microemulsion of active compounds consisting essentially of a solvating surfactant such as castor oil and rosin, which is not included in the subject matter of claims 1-25. Furthermore, Metalaxyl-M is not included as a preferred active ingredient in D4.

Thus, the subject matter of claims 1 to 25 is considered to be novel and involve an inventive step as set out in PCT Article 33(2) and 33(3).

3. Industrial Applicability

The subject matter of claims 1-25 meets the requirement for industrial applicability set out in PCT Article 33(4).